

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HENRY V. IVEY et al.

PLAINTIFFS

v.

Civil No. 1:16-cv-105-HSO-JCG

ANTHONY P. VASQUEZ et al.

DEFENDANTS

ORDER TRANSFERRING CASE TO THE EASTERN DIVISION

This matter is before the Court upon Plaintiffs' Response [5] to the Court's Order to Show Cause [4]. The allegations of the Complaint concern a motor vehicle collision occurring in Perry County, Mississippi, which is located in the Eastern Division of this Court. While one defendant is a resident within the Southern Division, all defendants are not residents of this State. Accordingly, venue is proper in the Eastern Division. *See* 28 U.S.C. § 1391.

When a case is filed in the wrong division, the Court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a); *see Caldwell v. Palmetto State Sav. Bank of S.C.*, 811 F.2d 916, 919 (5th Cir. 2008) ("a district court may transfer a case upon a motion or *sua sponte*."). The Court, in the interest of justice, and with the consent of Plaintiffs, will transfer this case to the Eastern Division.

IT IS, THEREFORE, ORDERED that this case is transferred to the Eastern Division of the United States District Court for the Southern District of Mississippi.

SO ORDERED this the 20th day of April, 2016.

s/ John C. Gargiulo
JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE